

REMARKS

In the Office Action mailed February 6, 2006, the claims are subject to a restriction requirement into three groups: Group I (claims 1-2); Group II (claims 3-29) and Group III (claims 30-35). Applicant has elected the group II claims and cancelled the non-elected claims of Groups I and III. Applicant reserves the right to pursue the cancelled claims in one or more divisional applications.

Claims 3-16 stand rejected under 35 USC §112, second paragraph as being indefinite. Applicant respectfully traverses this rejection and notes that the use of “opposed clamping forces” for lifting and transporting groups of elongate bags is well defined and supported in the application. If the Examiner maintains this rejection, Applicant respectfully requests that the Examiner explain how such language is confusing and indefinite.

Finally, claims 3-4, 10 and 12 stand rejected under 35 USC §102(b) as being anticipated by Pagdin (U.S. Patent 2,920,916). Claims 5-9, 13-14, 17-23 and 25 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin in view of Applicants Admitted Prior Art (AAPA). Claims 13-16 and 25-29 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin and AAPA further in view of Milholen et al. (U.S. Patent 3,992,049). Claims 11 and 24 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin in view of Kintgen et al. (U.S. Patent 4,271,755).

In the amendment presented above, Applicant has amended the claims to more particularly define the present invention. Applicant respectfully submits that the amended claims are neither taught nor suggested by the prior art.

More particularly, claim 3 as amended recites, *inter alia*,

... automatically arranging the elongate bags into groups, **wherein at least one group has a cross-stacked configuration wherein a first set of bags are disposed side-by-side along their lengths and at least one additional bag is disposed orthogonal to and adjacent said first set of bags;**

... said lifting and transporting **applying opposed clamping forces to at least one group having a cross-stacked configuration while preventing elongate bags disposed side-by-side in said cross-stacked configuration from sliding past one another, said opposed clamping forces being sufficient to lift the at least one group.**

Nowhere does the prior art teach or suggest these features.

In Pagdin, the carton tiers appear to be arranged in an interlocked configuration where the cartons of one row are arranged side by side in one direction and the cartons of the next row are arranged side by side in the other direction. This interlocked configuration is different than the cross-stacked configuration as recited in the claim, which includes **“a first set of bags are disposed side-by-side along their lengths and at least one additional bag is disposed orthogonal to and adjacent said first set of bags.”**

Moreover, the material handling system of Pagdin employs suction forces to lift and transport the carton tiers. It does not employ opposed clamping forces for lifting a

group of elongate bags as recited in the claim. The Examiner points to the sealing member 50 as providing opposed clamping forces. This analysis is flawed. In fact, the sealing member 50 operates to create a seal against the sides of the cartons of the tier. After the seal is created, the suction head 19, which covers the top of the carton tier, employs vertical suction forces (and not opposed clamping forces) that lift the carton tier. Thus, Pagdin fails to teach or suggest important limitations of the claim.

The systems described in Milholen et al. and Kintgen et al. fail to address the shortcomings of Pagdin as set forth above. More particularly, the brick stacking machine of Milholen and the bag handling apparatus of Kintgen have nothing to do with the application of clamping forces to at least one group of elongate bags having a cross-stacked configuration as recited in the claim.

As set forth above, the prior art fails to teach or suggest important features of claim 3. For these reasons, it is respectfully submitted that claim 3 is patentable over the prior art. Similar arguments apply to independent claim 17.

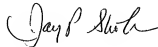
It is respectfully submitted that the dependent claims 4-16, 18-29, and new claims 36-37 are patentable over the cited prior art for those reasons advanced above with respect to independent claims 3 and 17 from which they respectfully depend and for reciting additional features neither taught nor suggested by the cited prior art.

For example, claims 12 and 25 recite "a stacker machine having a moveable stacker head ... and at least one support structure that is operably disposed between bags disposed side-by-side in said cross-stacked configuration to prevent such bags from sliding past one another." In another example, claims 13 and 26 recite that this support structure is "at least one chain. In yet another example, claims 14 and 27 recite that this support structure is "one of wire strands and rope strands." Nowhere does the cited prior art teach or suggest these features.

In another example, claims 15 and 28 and 35 recite " a lift truck having ... a central support bar laterally disposed between said two clamp members for preventing elongate bags disposed side-by-side in said cross-stacked configuration from sliding past one another." Nowhere does the cited prior art teach or suggest these features.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,



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